UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF THE STATE OF NEW YORK

JOHN WILEY & SONS, INC., CENGAGE : LEARNING, INC., PEARSON EDUCATION, : INC. AND ELSEVIER, LTD., :

CIVIL ACTION NO. 1:13-cv-00816 – (WHP)(GWG)

Plaintiff,

Judge William H. Pauley III

V.

Magistrate Judge Gabriel W. Gorenstein

BOOK DOG BOOKS, LLC AND PHILIP SMYRES,

Defendants.

DECLARATION OF EVAN MANDEL

I, Evan Mandel declare under penalty of perjury and pursuant to 28 U.S.C. § 1746 that the following is true and correct:

- 1. I am a member of Mandel Bhandari LLP, counsel for Defendant in this action. I submit this declaration in opposition to the Motions to Intervene brought by The Netherlands Insurance Company and Westfield Insurance Company. I have personal knowledge of the facts set forth herein and, if called as a witness, I could and would testify competently hereto.
 - 2. Attached hereto are true and correct copies of the following documents:

Exhibit	Description
Exhibit A	Civil Docket Sheet for <i>Phelps, et al. v. Lengyel, et al.</i> , No. 4:01-cv-01365-PCE (N.D. Ohio).
Exhibit B	Civil Docket Sheet for <i>Phelps, et al. v. Lengyel, et al.</i> , No. 4:01-cv-01366-PCE (N.D. Ohio).

Dated: December 9, 2015

/s/ Evan Mandel Evan Mandel